

Serial No.: 09/714,018
Docket No.: 18822-11
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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Harry Thomas Kloor

Serial No: 09/714,018

Filed: November 16, 2000

Title: DUAL TRANSACTION
AUTHORIZATION SYSTEM AND
METHOD

Conf. No.: 5553

Group Art Unit: 3627

Examiner: Maria Teresa T. Thein

Docket No: 18822-11

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Commissioner for Patents
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APPEAL BRIEF UNDER 37 C.F.R. § 1.191 & § 41.37

Pursuant to 37 C.F.R. § 1.191, § 41.37(c) and generally to § 41.37, following is an Appeal Brief in support of the Appeal filed on September 15, 2008, appealing the Office Action dated June 13, 2008. In response to the Office Action, Appellant appeals the rejections therein.

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(i) REAL PARTY IN INTEREST

The real party in interest is Harry Thomas Kloor.

(ii) RELATED APPEALS AND INTERFERENCES

None.

(iii) STATUS OF CLAIMS

Claims 18-28 and 30-57 are pending. Claims 42-43, 45-46, and 51-54 are rejected under 35 U.S.C. § 102(b), Claims 18-28, 30-41, 44, 47-48, and 55-57 are rejected under 35 U.S.C. § 103, Claim 53 is rejected under 35 U.S.C. § 112, first paragraph, and Claim 54 is rejected under 35 U.S.C. § 112, second paragraph. Claims 49-50 are withdrawn, and claims 1-17, 29, and 58-62 are cancelled. No claims are allowed. Claims 18-28, 30-48, 51-57 are appealed herein.

(iv) STATUS OF AMENDMENTS

Subsequent to the last rejection, which was dated June 13, 2008, Appellant filed an Amendment on November 5, 2008. The claim amendments therein were entered by the Examiner via an Advisory Action dated December 23, 2008. The current Appeal is based on the claims as amended and entered on December 23, 2008.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is generally directed towards a system and method of a dual authorizing system, which may prevent fraudulent and other unauthorized use of credit cards and the like. See Abstract; p. 8, lines 1-11. In operation, a predetermined third party verifier ensures that the rightful owner of the credit card approves the transaction before a purchase is completed.

Id. The “dual” transaction authorization aspect of the invention is manifested whereby an individual requests a transaction, e.g., using a credit card at a retailer POS or on the Internet, (first authorization), and the predetermined third party verifier communicates with the card owner via a pre-selected communication channel (e.g., e-mail address, mobile phone number, etc.) to receive approval to authorize the transaction (second authorization). Id. For example, in one embodiment:

This is accomplished by linking the owner’s Internet address or addresses to the credit card number (card), and storing this information with the third party verifier, such as an Authorization agent. Once the card is used to make a purchase, the Authorization agent is notified of the purchase. The Authorization agent then pulls the corresponding Internet address for the credit card number, then sends an approval request message to the owner at the owner’s Internet address. This way, only the owner who had previously registered the credit card number with the Authorization agent is notified of the pending purchase and can approve or deny the purchase and, thereby preventing unauthorized user from making the purchase using the owner’s credit card.

p. 3, lines 15-24.

More specifically, Appellant’s independent Claim 18 generally recites a method for allowing only an owner to approve of a transaction, including: acquiring a contact information that is unique to an owner [p. 3, lines 25-27; p. 4, lines 3-7; p. 5, lines 10-18; p. 9, lines 4-11]; receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent [p. 8, lines 8-11; p. 8, lines 19-26; p. 10, line 24—p. 11, line 4], wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company [Fig. 3, 106, 108; p. 3, lines 25-27]; monitoring the owner to determine the latest contact information [p. 18, line 28—p. 19, line 3; p. 32, lines 10-19]; using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent [p. 8, lines 19-30; p. 11, lines 13-30; p. 19, lines 4-12; p. 4, line 29—p. 5, line 2]; and sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request [p. 8, line 26—p. 9, line 3; p. 13, lines 16-20; p. 5, lines 5-7]. Claim 30 recites the method of Claim 18 and further recites wherein the latest contact information is an Internet address where the owner is

conducting the transaction [p. 18, line 28—p. 19, line 3; p. 8, lines 8-11; p.3, lines 18-21].

Appellant's independent Claim 36 generally recites a method for allowing only an owner to approve of a transaction, including: acquiring a contact information that is unique to an owner [p. 3, lines 25-27; p. 4, lines 3-7; p. 5, lines 10-18; p. 9, lines 4-11]; providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site [p. 17, line 24—p. 18, line 7; p. 19, line 23—p. 20, line 13]; receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent [p. 8, lines 8-11; p. 8, lines 19-26; p. 10, line 24—p. 11, line 4], wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company [Fig. 3, 106, 108; p. 3, lines 25-27]; using the contact information to electronically send the request to the owner from the authorization agent [p. 8, lines 19-30; p. 11, lines 13-30; p. 4, line 29—p. 5, line 2]; and sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request [p. 8, line 26—p. 9, line 3; p. 13, lines 16-20; p. 5, lines 5-7]. Claim 37 recites the method of Claim 36 and further recites wherein the remote site is away from the owner's home [p. 17, lines 25-28]. Claim 38 recites the method of Claim 36 and further recites wherein the different contact information is only established for a predetermined amount of time [p. 21, lines 18-21; p.22, line 29—p. 23, line 2].

Appellant's independent Claim 39 generally recites a method for verifying that an authorized entity is using a credit card through the Internet, including: entering a password that is known only to an authorized entity that can use a corresponding credit card [p. 9, lines 24-28; p. 17, lines 16-23; p. 20, line 26—p. 21, line 10; p. 4, lines 3-11]; monitoring the latest Internet address where the authorized entity is visiting through the Internet [p. 18, line 28—p. 19, line 3]; receiving a request to authorize a transaction from an Online business with a corresponding Internet address, wherein the request is received by an authorization agent [p. 8, lines 8-11; p. 8, lines 19-26; p. 10, line 24—p. 11, line 4; p. 11, lines 3-8; p.3, lines 18-21], wherein the authorization agent is a bank that issued the credit card to the authorized entity, a credit card company, or an agent of the bank or the credit card company [Fig. 3, 106, 108; p. 3, lines 25-27], and wherein the request includes a credit card number [p. 10, lines 26-28]; and comparing the

latest Internet address with the corresponding Internet address from the Online business [p. 19, lines 6-12]: if the Internet addresses match, then sending from the authorization agent to the Online business an approval response to the request [p. 19, lines 13-16]; if the Internet addresses do not match, then sending from the authorization agent to the Online business a non-approval response to the request [p. 19, lines 16-22]. Claim 40 recites the method of Claim 39 and further recites monitoring whether the authorized entity is still log onto the Internet and, if the authorized entity has logged off the Internet, then not approving any request for authorizing the transaction [p. 18, lines 1-3; p. 19, lines 1-3, p. 19, line 29—p. 20, line 3].

Appellant's independent claim 41 generally recites a method for verifying that an authorized entity is using a credit card through the Internet, comprising: entering a password that is only known to an authorized entity that can use a corresponding credit card [p. 9, lines 24-28; p. 17, lines 16-23; p. 20, line 26—p. 21, line 10; p. 4, lines 3-11]; providing a predetermined purchase order information about a transaction through the Internet [p. 21, lines 19-26; p. 26, lines 1-6]; receiving a request to authorize a transaction from an Online business with an actual purchase order information, wherein the request is received by an authorization agent [p. 8, lines 8-11; p. 8, lines 19-26; p. 10, line 24—p. 11, line 4; p. 21, lines 21-26] wherein the authorization agent is a bank that issued the credit card to the authorized entity, a credit card company, or an agent of the bank or the credit card company [Fig. 3, 106, 108; p. 3, lines 25-27], and wherein the request includes a credit card number [p. 10, lines 26-28]; and comparing the predetermined purchase order information with the actual purchase order information from the Online business [p. 21, lines 18-24]: if the predetermined purchase order information and the actual purchase order information match, then sending from the authorization agent to the Online business an approval response to the request [p. 21, lines 18-24; p. 21, line 27—p. 22, line 11; Fig. 14]; if the predetermined purchase order information and the actual purchase order information do not match, then sending from the authorization agent to the Online business a non-approval response to the request [p. 21, lines 18-24; p. 21, line 27—p. 22, line 11; p. 26, lines 24-26].

Appellant's independent Claim 42 generally recites a method for authorizing use of a card by a non-user of the card [p. 24, lines 10-21; Fig. 11], including: providing a card to a user, wherein the card is linked to a non-user of the card [p. 24, lines 10-21; Fig.

unpatentable under 35 U.S.C. §103(a) as being obvious over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer?

C. Whether the Examiner has established a *prima facie* case that claim 36 (former now includes all of former 18) is unpatentable under 35 U.S.C. §103(a) as being obvious over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer?

D. Whether the Examiner has established a *prima facie* case that claim 56 is unpatentable under 35 U.S.C. §103(a) as being obvious over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer?

G. Whether the Examiner has established a *prima facie* case that claim 39 is unpatentable under 35 U.S.C. §103(a) as being obvious over Joao et al. and PCT World Publication No. WO 96/32700 to Jonströmer and further view of Ronen (U.S. Patent No. 5,845,267)?

H. Whether the Examiner has established a *prima facie* case that claim 40 is unpatentable under 35 U.S.C. §103(a) as being obvious over Joao et al. and PCT World Publication No. WO 96/32700 to Jonströmer and further view of Ronen (U.S. Patent No. 5,845,267)?

I. Whether the Examiner has established a *prima facie* case that claim 41 is unpatentable under 35 U.S.C. §103(a) as being obvious over Langhans et al. (U.S. Patent No. 5,621,201) in view of Joao et al. (U.S. Patent No. 6,529,725)?

J. Whether claim 42 is unpatentable under 35 U.S.C. §102(b) as being fully anticipated by Langhans et al. (U.S. Patent No. 5,621,201)?

(vii) ARGUMENT

(A) CLAIM 18 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer.

Appellant respectfully disagrees with this assessment of the cited references. Claim 18 recites:

A method for allowing only an owner to approve of a transaction, comprising:
acquiring a contact information that is unique to an owner;
receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company;
monitoring the owner to determine the latest contact information;
using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent; and
sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request.

The cited references do not teach, suggest, or otherwise render obvious at least the following claimed steps: “monitoring the owner to determine the latest contact information” and “using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent.” Accordingly, Appellant maintains that Claim 18 is patentable over Joao et al. in view of Jonströmer.

The foregoing claimed steps (“monitoring the owner to determine the latest contact information” and “using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent”) were previously recited in dependent claim 29, which has been amended into claim 18. The rejection of claim 29 asserts that these steps are disclosed by Joao at Col. 10, lines 31-41:

The present invention may also be equipped with, and be utilized with, hardware and software necessary for providing self-monitoring functions, automatic control and/or responses to occurrences, automatic notice of an occurrence and/or a situation, to an owner, user and/or authorized individual. In this regard, any and all of the embodiments described above may comprise a monitoring device, a triggering device and/or any other suitable device for detecting an occurrence and/or identifying a situation which may warrant providing notice to a card holder, account owner, cellular telephone owner and/or an authorized individual.

See, 6/13/2008 Office Action, p. 7. Appellants respectfully assert that the foregoing passage, which was cited in the rejection as the basis for the rejection against the above-mentioned limitations, clearly fails to even suggest or hint at monitoring an owner “to determine the latest contact information” or using the latest contact information “from said monitoring to

electronically send the request to the owner from the authorization agent” as claimed.

In stark contrast, this passage from the Joao reference plainly refers to entirely distinct functionality than that claimed in Claim 18; the passage from Joao describes hardware and software for self-monitoring, automatic control, and responses to occurrences, and functionality for automatic notice to the owner or user, which allows for detecting an occurrence or situation and providing notice to the cardholder. Nowhere does this disclosure teach or suggest monitoring the owner *“to determine the latest contact information”* or *“using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent”* as claimed. Indeed, the reference fails to render any discussion whatsoever relating to monitoring to determine the latest contact information as claimed.

Moreover, nowhere else do the Joao and Jonströmer references teach, suggest or otherwise render obvious the foregoing steps as claimed. For at least this reason, the rejection fails to establish a *prima facie* case of obviousness, and Claim 18 is non-obvious and patentable over Joao and Jonströmer.

(B) CLAIM 30 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER

Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer. Appellant respectfully disagrees with this assessment of the cited references. Claim 30 recites:

A method according to claim 18, wherein the latest contact information is an Internet address where the owner is conducting the transaction.

The cited references do not teach, suggest, or otherwise render obvious this additional limitation. Indeed nowhere does either the Joao reference nor the Jonströmer reference provide any discussion whatsoever relating to Internet addresses, and there is nothing in these references’ disclosures that would render the foregoing limitation obvious. Further, the rejection itself states: “[T]he combination [of Joao and Jonströmer] does not explicitly disclose requiring Internet or IP address.” 6/13/2008 Office Action, p. 9. Similarly, no other section of these references describes this additional limitation. Accordingly, Claim 30 is non-obvious and

patentable over Joao and Jonströmer.

Although Claim 30 is not rejected under the Ronen reference (U.S. Patent No. 5,845,267), in a discussion of other claims the rejection asserts that “Ronen teaches IP address” at Col. 3, lines 55-60. See, 6/13/2008 Office Action, p. 9. However, although Ronen discusses IP addresses generally (a database stores “the static or dynamically assigned IP addresses of all such connected terminals, the IDs of the users associated with the IP addresses, and the passwords associated with the user IDs that must be used in order for a user to gain access through Manager 106 to the Intranet 103”, Col. 3, lines 55-60), nowhere does the art of record teach or suggest a “monitoring the owner to determine the latest contact information” (Claim 18) where the latest contact information is an Internet address “where the owner is conducting the transaction” (Claim 30) as recited in the claims. Moreover, the art of record could not be modified nor combined to achieve these limitations either, nor has the rejection asserted or explained why it would be obvious that the references could be so modified or combined.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 30 is non-obvious and patentable over Joao and Jonströmer.

(C) CLAIM 36 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER

Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer. Appellant respectfully disagrees with this assessment of the cited references. Claim 36 recites:

A method for allowing only an owner to approve of a transaction, comprising:
acquiring a contact information that is unique to an owner;
providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site;
receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company;
using the contact information to electronically send the request to the owner from the authorization agent; and
sending an approval response to the request from the owner to the authorization

agent if the owner has approved of the request.

The cited references do not teach, suggest, or otherwise render obvious at least the claimed step of: “providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site.” Accordingly, Appellant maintains that Claim 36 is patentable over Joao et al. in view of Jonströmer.

The rejection acknowledges that the Joao reference does not disclose requiring a PIN but asserts that the Jonströmer reference discloses claim 36 at page 8, lines 4-5. See, 6/13/2008 Office Action, p. 6. Jonströmer discloses: “the user enters his PIN and a phone number for the payee’s electronic till 4” P. 8, lines 4-5. This teaching clearly fails to teach, suggest, or render obvious the step of “providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site.” However, the rejection goes on to assert:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Joao, to include the PIN, as taught by Jonstromer, in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-17).

6/13/2008 Office Action, pp. 6-7.

Appellants respectfully note that this assertion is not on point. Even assuming that the foregoing statement is accurate, nothing in Joao or Jonströmer, nor that which is allegedly made obvious by these references according to the rejection, would render Claim 36 obvious because the claim recites “providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site.” In contrast to Jonströmer’s discussion of a user entering a PIN and the rejection’s assessment that it would be obvious to “include the PIN”, neither suggests the claimed limitation of providing a PIN to achieve a specific function — namely, “to establish a different contact information to the remote site.” Indeed, there is no discussion whatsoever in the cited references about correlating the step of “providing a PIN” with establishing “a different contact information to the remote site,” nor does the rejection assert or explain why it would be obvious.

For at least these reasons, the rejection fails to establish a *prima facie* case of

obviousness, and Claim 36 is non-obvious and patentable over Joao and Jonströmer.

(D) CLAIM 37 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER

Claim 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer. Appellant respectfully disagrees with this assessment of the cited references. Claim 37 recites:

A method according to claim 36, wherein the remote site is away from the owner's home. The cited references do not teach, suggest, or otherwise render obvious this additional limitation. Indeed nowhere does either the Joao reference nor the Jonströmer reference provide any discussion whatsoever relating to providing a PIN "to establish a different contact information to the remote site" where "the remote site is away from the owner's home", and there is nothing in these references' disclosures that would render the foregoing limitation obvious. Accordingly, Appellant maintains that Claim 37 is patentable over Joao et al. in view of Jonströmer.

The rejection acknowledges that the Joao reference does not disclose requiring a PIN — much less a PIN to establish a different contact information to the remote site where the remote site is away from the owner's home — but asserts that the Jonströmer reference discloses claim 37 at page 8, lines 4-5. See, 6/13/2008 Office Action, p. 6. Jonströmer discloses: "the user enters his PIN and a phone number for the payee's electronic till 4" P. 8, lines 4-5. This teaching clearly fails to teach, suggest, or render obvious the step of providing a PIN "to establish a different contact information to the remote site" where "the remote site is away from the owner's home." However, the rejection goes on to assert:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Joao, to include the PIN, as taught by Jonstromer, in order to authorize the use of the card (Jonstromer, page 8, line 7) so as to reduce the risk of fraud (Jonstromer, page 10, lines 16-1 7).

6/13/2008 Office Action, pp. 6-7.

Appellants respectfully note that this assertion is not on point. Even assuming that the

foregoing statement is accurate, nothing in Joao or Jonströmer, nor that which is allegedly made obvious by these references according to the rejection, would render Claim 37 obvious because the claim recites providing a PIN “to establish a different contact information to the remote site” where “*the remote site is away from the owner’s home.*” In contrast to Jonströmer’s discussion of a user entering a PIN and the rejection’s assessment that it would be obvious to “include the PIN”, neither suggests the claimed limitation of the PIN establishing different contact information to a remote site — namely, a remote site that “is away from the owner’s home.” Indeed, there is no discussion whatsoever in the cited references regarding this claimed limitation, nor does the rejection assert or explain why it would be obvious.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 37 is non-obvious and patentable over Joao and Jonströmer.

(E) CLAIM 38 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER AND OFFICIAL NOTICE

Claim 38 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer, and further in view of Official Notice. Appellant respectfully disagrees with this assessment of the cited references. Claim 38 recites:

A method according to claim 36, wherein the different contact information is only established for a predetermined amount of time.

The cited references do not teach, suggest, or otherwise render obvious this additional limitation. Indeed nowhere does either the Joao reference nor the Jonströmer reference provide any discussion whatsoever relating to “different contact information [being] only established for a predetermined amount of time,” and there is nothing in these references’ disclosures nor the Official Notice that would render the foregoing limitation obvious. Accordingly, Appellant maintains that Claim 38 is patentable over Joao et al. in view of Jonströmer and Official Notice.

The rejection acknowledges that the combination of the Joao reference and the Jonströmer reference does not disclose “that contact information is only established for a predetermined amount of time,” but the rejection suggests that the additional limitation of Claim

38 would be obvious in light of Official Notice. See, 6/13/2008 Office Action, p. 11.

Specifically, the rejection states:

The Examiner takes Official Notice that is old and well known in the art to change PINS or passwords after a predetermined period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination with changing PINS/passwords, because modifying PINS provides an additional level of security from fraud.

6/13/2008 Office Action, pp. 11.

Appellants respectfully note that this assertion is not on point. Even assuming that the foregoing statement is accurate, it only asserts that changing PINs and passwords is well known in the art. In contrast, Claim 38 does not recite changing PINs or passwords, but rather the claim recites establishing “different contact information” for only a “predetermined amount of time.” The Official Notice and the cited references do nothing to teach, suggest, or otherwise render obvious the limitation of Claim 38. Indeed, there is no discussion whatsoever in the cited references or the Official Notice regarding this claimed limitation, nor does the rejection assert or explain why it would be obvious.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 38 is non-obvious and patentable over Joao in view of Jonströmer and Official Notice.

(F) CLAIM 56 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER

Claim 56 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. (U.S. Patent No. 6,529,725) in view of PCT World Publication No. WO 96/32700 to Jonströmer. Appellant respectfully disagrees with this assessment of the cited references. Claim 56 recites:

A method for *parties* to authenticate a transaction, comprising:
acquiring a corresponding contact information for each parties involved in a transaction;
providing an authorization agent to acquire the corresponding contact information,
wherein the authorization agent is a bank, a credit card company, or an

agent of the bank or the credit card company; and
sending electronically an authorization request from the authorization agent to the
corresponding contact information for each of the parties involved in the
transaction, wherein:
approving the transaction if all of the parties to the transaction approve of
the authorization request; and
disapproving the transaction if any of the parties to the transaction
disapprove of the authorization request.

Claim 56 recites a method for multiple parties to jointly authenticate a transaction,
including acquiring contact information for each of those parties and providing it to an
authorization agent. The transaction is then approved by unanimous approval of all the parties or
disapproved by a single disapproval from the parties. Specifically, Claim 56 recites approving
the transaction “if all of the parties to the transaction approve of the authorization request” or
disapproving the transaction “if any of the parties to the transaction disapprove of the
authorization request”. The cited references do not teach, suggest, or otherwise render obvious at
least the foregoing limitations. Accordingly, Appellant maintains that Claim 56 is patentable
over Joao et al. in view of Jonströmer.

Nowhere does Joao or Jonströmer teach, suggest, or otherwise render obvious the
claimed steps of acquiring contact information for each of the multiple parties and then
approving/disapproving a transaction responsive to the actions of each of the parties. Rather, the
cited references only describe only a single cardholder approving a transaction; e.g., Joao at Col.
6, lines 50-53. Further, the rejection of claim 56 merely asserts that these steps are disclosed by
the references as set forth in claim 1: “Regarding claim 56, Joao discloses a method for parties to
communication a transaction as set forth above in detail for claim 1.” 6/13/2008 Office Action, p.
8.

Appellants respectfully note that simply referring Appellants to the rejection of claim 1
and asserting that “Joao discloses a method for parties to communication a transaction” is not
instructive as to understanding how the cited references render claim 56 obvious because (1)
Claim 1 does not recite steps of acquiring contact information for each of the parties and then
approving/disapproving a transaction responsive to the actions of each of the parties as recited in
Claim 56, and (2) the rejection’s additional assertion that “Joao discloses a method for parties to

communication a transaction” does not explain how a transaction is approved “if all of the parties...approve the authorization request” or the transaction is disapproved “if any of the parties disapprove of the authorization request” as claimed

For example, whereas Claim 1 recited “sending contact information of a user” and “receiving the contact information,” in contrast Claim 56 recites “acquiring a corresponding contact information for each parties.” Further, whereas Claim 1 recited “sending a response to the authorization request from the user authorizing the transaction,” in contrast Claim 56 recites approving the transaction “if all of the parties to the transaction approve of the authorization request” and disapproving the transaction “if any of the parties to the transaction disapprove of the authorization request”. Clearly Claim 1 and the references cited against Claim 56 refer to a single user approving the authorization request whereas Claim 56 requires a plurality of users to approve an authorization request. Therefore, reliance on the rejection to Claim 1 to support the rejection to Claim 56 does not explain why Claim 56 would be rendered obvious. Moreover, as noted above, Joao and Jonströmer plainly do not teach or suggest these limitations of Claim 56.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 56 is non-obvious and patentable over Joao and Jonströmer.

(G) CLAIM 39 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER AND RONEN

Claim 39 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. and PCT World Publication No. WO 96/32700 to Jonströmer and further view of Ronen (U.S. Patent No. 5,845,267). Appellant respectfully disagrees with this assessment of the cited references. Claim 39 recites:

A method for verifying that an authorized entity is using a credit card through the Internet, comprising:
entering a password that is known only to an authorized entity that can use a corresponding credit card;
monitoring the latest Internet address where the authorized entity is visiting through the Internet;
receiving a request to authorize a transaction from an Online business with a corresponding Internet address, wherein the request is received by an

authorization agent, wherein the authorization agent is a bank that issued the credit card to the authorized entity, a credit card company, or an agent of the bank or the credit card company, and wherein the request includes a credit card number; and

comparing the latest Internet address with the corresponding Internet address from the Online business:

if the Internet addresses match, then sending from the authorization agent to the Online business an approval response to the request;
if the Internet addresses do not match, then sending from the authorization agent to the Online business a non-approval response to the request.

Neither Joao nor Jonströmer provide any discussion whatsoever relating to Internet addresses, there is nothing in these references' disclosures that would render the foregoing limitation obvious, and the rejection itself acknowledges that: "the combination [of Joao and Jonströmer] does not explicitly disclose requiring Internet or IP address." 6/13/2008 Office Action, p. 9. Rather, the rejection relies on the Ronen reference as disclosing the limitations of Claim 39 that relate to Internet addresses: "Ronen teaches IP address" at Col. 3, lines 55-60. See, 6/13/2008 Office Action, p. 9. Appellants respectfully assert that nothing in the disclosure of the Ronen reference, either alone or in combination with the Joao and Jonströmer references, would teach, suggest, or otherwise render obvious the limitation of Claim 39 that recite to Internet addresses.

Although Ronen discusses IP addresses generally (a database stores "the static or dynamically assigned IP addresses of all such connected terminals, the IDs of the users associated with the IP addresses, and the passwords associated with the user IDs that must be used in order for a user to gain access through Manager 106 to the Intranet 103", Col. 3, lines 55-60), nowhere does the art of record teach or suggest the steps in Claim 39 that recite Internet addresses:

"monitoring the latest Internet address where the authorized entity is visiting through the Internet...";
"receiving a request to authorize a transaction from an Online business with a corresponding Internet address...";
"comparing the latest Internet address with the corresponding Internet address from the Online business..."; and
sending an approval "if the Internet addresses match" or sending a non-approval if "if the Internet addresses do not match".

In contrast, Ronen describes a “connection identifier” as follows: “the connection to the provider ... is associated with only by [sic] some type of connection identifier that uniquely identifies the connection to the provider.” Col. 8, lines 37-38. However, this merely describes an identifier of the user’s terminal; nothing in this disclosure relates to receiving the Internet address of the Online business or comparing the authorized entity’s Internet address with that of the Online business as claimed.

Moreover, the art of record could not be modified nor combined to achieve these limitations either, nor has the rejection asserted or explained why it would be obvious that the references could be so modified or combined. At most, the rejection asserts: “it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include IP address, as taught by Ronen, in order to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38).” 6/13/2008 Office Action, p. 9. This merely describes identifying the connection to the provider, not the Online business as claimed. This assertion in the rejection does not argue that the foregoing steps of Claim 39 — namely receiving the Internet address of the Online business and comparing the authorized entity’s Internet address with that of the Online business — are rendered obvious.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 39 is non-obvious and patentable over Joao in view of Jonströmer and Ronen.

(H) CLAIM 40 IS PATENTABLE OVER JOAO ET AL. IN VIEW OF JONSTRÖMER AND RONEN

Claim 40 is rejected under 35 U.S.C. §103(a) as being unpatentable over Joao et al. and PCT World Publication No. WO 96/32700 to Jonströmer and further view of Ronen (U.S. Patent No. 5,845,267). Appellant respectfully disagrees with this assessment of the cited references. Claim 40 recites:

A method according to claim 39, further including:
monitoring whether the authorized entity is still log onto the Internet:

if the authorized entity has logged off the Internet, then not approving any request for authorizing the transaction.

The cited references do not teach, suggest, or otherwise render obvious these additional limitations. Indeed, nowhere do any of these references provide any discussion whatsoever relating to monitoring whether an entity is still logged on to the Internet or not approving any transaction authorization request if the entity has logged off, nor does the rejection explain how these claimed limitations are rendered obvious. Accordingly, Appellant maintains that Claim 40 is patentable over Joao et al. in view of Jonströmer and Ronen.

The rejection relies on the Ronen reference as disclosing the additional limitations of Claim 40, asserting: "Ronen teaches IP address (Col. 3, lines 55-60) ...and [t]herefore, it would have obvious ... to provide a connection identifier that uniquely identifies the connection to the provider (Ronen col. 8, lines 37-38)." 6/13/2008 Office Action, p. 9. Appellants respectfully note that this assertion is not on point. Even assuming that the foregoing statement is accurate, no part of it purports to describe or render obvious the steps of monitoring whether an entity is still logged on to the Internet or not approving any transaction authorization request if the entity has logged off as claimed. Indeed, there is no discussion whatsoever in the cited references regarding this claimed limitation, nor does the rejection assert or explain why it would be obvious.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 40 is non-obvious and patentable over Joao in view of Jonströmer and Ronen.

(I) CLAIM 41 IS PATENTABLE OVER LANGHANS ET AL. IN VIEW OF JOAO ET AL.

Claim 41 is rejected under 35 U.S.C. §103(a) as being unpatentable over Langhans et al. in view of Joao et al. Appellant respectfully disagrees with this assessment of the cited references. Claim 41 recites:

A method for verifying that an authorized entity is using a credit card through the Internet, comprising:
entering a password that is only known to an authorized entity that

can use a corresponding credit card;
providing a predetermined purchase order information about a transaction
through the Internet;
receiving a request to authorize a transaction from an Online business with an
actual purchase order information, wherein the request is received by an
authorization agent, wherein the authorization agent is a bank that issued
the credit card to the authorized entity, a credit card company, or an agent
of the bank or the credit card company, and wherein the request includes a
credit card number; and
comparing the predetermined purchase order information with the actual
purchase order information from the Online business:
if the predetermined purchase order information and the actual
purchase order information match, then sending from the
authorization agent to the Online business an approval
response to the request;
if the predetermined purchase order information and the actual purchase
order information do not match, then sending from the
authorization agent to the Online business a non-approval response
to the request.

Claim 41 recites a method for verifying a credit card transaction for an authorized entity based, in part, on predetermined purchase order data. Specifically, Claim 41 recites “providing a predetermined purchase order information about a transaction” and “receiving a request to authorize a transaction from an Online business with an actual purchase order information, wherein the request is received by an authorization agent.” Then, “the predetermined purchase order information [is compared] with the actual purchase order information from the Online business” and approval is sent from the authorization agent to the Online business “if the predetermined purchase order information and the actual purchase order information match” or non-approval is sent from the authorization agent to the Online business “if the predetermined purchase order information and the actual purchase order information do not match.”

The cited references do not teach, suggest, or otherwise render obvious at least the foregoing limitations relating to the predetermined purchase order information. Accordingly, Appellant maintains that Claim 41 is patentable over Langhans in view of Joao.

The Langhans reference, which is relied upon by the rejection as disclosing the limitations of Claim 41 relating to purchase order information, describes testing for merchant acceptability (Col. 7, lines 53-55), merchant category code acceptability (Col. 7, lines 57-59),

vendor list acceptability (Col. 7, lines 60-61), and transaction limits (Col. 8, lines 4-6). However each of these items are plainly distinct from a “purchase order information” as claimed. The only discussion of purchase orders in the Langhans reference, as noted in the rejection (6/13/2008 Office Action, p. 11), is found at Col. 5, lines 2-9 and provides: “...as opposed to the prior art system shown in FIG. 1, which requires either cash advances ahead of time or requisitions and purchase orders subsequent to the time of actual purchase.” However, this teaching is explicitly limited to scenarios where purchase orders are provided subsequent to the time of actual purchase. This plainly does not teach or suggest the limitations of the present claim which, in contrast, only authorizes a purchase request if purchase order information already received from an Online business matches the predetermined purchase order information. Requiring a purchase order after the time of actual purchase would not operate with the framework of claim 41, and one skilled in the art would not attempt to so modify this teaching of Langhans to achieve the elements of Claim 41 because it would destroy the intended functionality thereof.

Joao similarly fails to teach or suggest the limitations of claim 41 relating to purchase order information.

For at least these reasons, the rejection fails to establish a *prima facie* case of obviousness, and Claim 41 is non-obvious and patentable over Langhans and Joao.

(J) CLAIM 42 IS PATENTABLE OVER LANGHANS ET AL.

Claim 42 is rejected under 35 U.S.C. §102(b) as being anticipated by Langhans et al. (U.S. Patent No. 5,621,201). Appellant respectfully asserts that Langhans fails to disclose each and every claim element of Claim 42. Claim 42 recites:

A method for authorizing use of a card by a non-user of the card, comprising:
 providing a card to a user, wherein the card is linked to a non-user of the card;
 using the card to conduct a transaction; and
 sending electronically an authorization request from an authorization agent to the non-user of the card, wherein the authorization agent is a bank that issued the card to the non-user, a credit card company, or an agent of the bank or the credit card company, wherein:

approving the transaction by the authorization agent if the non-user agrees with the transaction made by the user; and denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user.

The Langhans reference fails to disclose at least the steps of “approving the transaction by the authorization agent *if the non-user agrees with the transaction made by the user*” and “denying the transaction by the authorization agent *if the non-user does not agree with the transaction made by the user*” as claimed. Therefore, Langhans does not anticipate Claim 42 and its dependents.

Langhans discloses an automated control system for corporate customers, where authorization requests received over phone lines from a remote point-of-sale terminal are processed via software using “authorization tests”. Abstract. “The entire purchasing process is ... made a paperless process requiring no human intervention.” Col. 2, lines 37-38.

In contrast, Claim 42 recites a certain step (“approving the transaction”) if a first human action is made (“if the non-user agrees with the transaction made by the user”) and a distinct step (“denying the transaction”) if a different human action is made (“if the non-user does not agree with the transaction made by the user”). The rejection asserts that the foregoing limitations are taught by Langhans at Col. 9, lines 56-67 and Col. 11, lines 32-45. However, rather than teaching or disclosing the foregoing claim limitations, the reference only indicates the existence of an “authorization contact” as one of the possible “corporate contact information” established by a bank:

The authorization contact can be recorded on any account(s) within the authorization hierarchy (including cardholder and company accounts). If no authorization contact is recorded on an account record, the contact recorded on the immediate authorizing account higher in the hierarchy will be used. The Name, Work Phone and Work address will be recorded. This data will be used by the bank’s CSR staff whenever questions regarding the permissibility of authorization overrides are to be directed to the company.

Langhans, Col. 9, lines 56-67. However, this teaching, while indicating that the authorization contact’s information “will be used by the bank’s CSR staff whenever questions regarding the permissibility of authorization overrides are to be directed to the company”, plainly does not anticipate the limitations of Claim 42 that recite “approving the transaction by the authorization

agent if the non-user agrees with the transaction made by the user” and “denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user.”

The other passage from the Langhans reference that the rejection asserts to anticipate these limitations similarly fails to disclose the recited steps:

The present invention provides a set of unique responses to a request for authorization which has failed a velocity checking test. When a request for authorization causes a cardholder account to exceed one of its pre-established velocity limits (count or amount), the system will take one of three actions. The specific action taken by the system is based on options established for a company. The bank and company may define different options for Corporate card and Purchasing card programs. The three options are: Refer the Authorization Request, Decline the Authorization Request, Approve and Report the Authorization Request.

Langhans, Col. 11, lines 32-45. Again, this teaching simply fails to teach or otherwise disclose the claimed limitations. At most, this teaching of Langhans describes several possible actions that may occur after a request for authorization has already failed. One such option is to refer the request. Nowhere does the reference disclose “approving the transaction by the authorization agent if the non-user agrees with the transaction made by the user” and “denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user” as claimed.

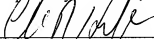
Because the cited reference does not disclose each and every limitation of Claim 42 in as complete detail as claimed, Claim 42 is not anticipated by Langhans et al. under 35 U.S.C. §102(b).

CONCLUSION

For at least the foregoing reasons, Appellant asserts that the cited references fail to teach, suggest, or otherwise anticipate or render obvious each and every limitation of the pending claims. Accordingly, the Appellant requests that the Board of Patent Appeals and Interferences reverse the Examiner's decision on the above-identified rejections.

If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. Docket 18822-11).

Respectfully submitted,



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(viii) CLAIMS APPENDIX

1-17 (Cancelled)

18. A method for allowing only an owner to approve of a transaction, comprising:
acquiring a contact information that is unique to an owner;
receiving a request to authorize a transaction, subsequent to acquiring the contact information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company;
monitoring the owner to determine the latest contact information;
using the latest contact information from said monitoring to electronically send the request to the owner from the authorization agent; and
sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request.
19. A method according to claim 18, wherein the contact information is an Internet address of the owner.
20. A method according to claim 18, wherein the owner is an owner of a credit card, and wherein the request includes a credit card number.
21. A method according to claim 18, wherein the request is a merchant approval request.
22. A method according to claim 19, wherein the merchant approval request is from an On-line store.
23. A method according to claim 18, wherein the transaction is a purchase made through the Internet.
24. A method according to claim 18, wherein the request is sent through the Internet.
25. A method according to claim 18, wherein the owner uses a Soft-card software to

process the request.

26. A method according to claim 18, wherein the contact information is linked to a personal communication device.
27. A method according to claim 18, wherein the owner approves of the request by entering a approval code.
28. A method according to claim 18, further including the steps of:
providing a password by the owner in order to provide the contact information.
29. (Cancelled)
30. A method according to claim 18, wherein the latest contact information is an Internet address where the owner is conducting the transaction.
31. A method according to claim 18, wherein the contact information is a rapid communication address.
32. A method according to claim 18, wherein the transaction is an E-signature through the Internet.
33. A method according to claim 18, wherein the transaction is an ID card information to enter a Web site.
34. A method according to claim 33, wherein the ID card information includes a digital watermark.
35. A method according to claim 18, wherein the owner includes other users that are authorized by the owner.
36. A method for allowing only an owner to approve of a transaction, comprising:
acquiring a contact information that is unique to an owner;
providing a PIN number that is unique to the owner from a remote site to establish a different contact information to the remote site;
receiving a request to authorize a transaction, subsequent to acquiring the contact

information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company;

using the contact information to electronically send the request to the owner from the authorization agent; and

sending an approval response to the request from the owner to the authorization agent if the owner has approved of the request.

37. A method according to claim 36, wherein the remote site is away from the owner's home.

38. A method according to claim 36, wherein the different contact information is only established for a predetermined amount of time.

39. A method for verifying that an authorized entity is using a credit card through the Internet, comprising:

entering a password that is known only to an authorized entity that can use a corresponding credit card;

monitoring the latest Internet address where the authorized entity is visiting through the Internet;

receiving a request to authorize a transaction from an Online business with a corresponding Internet address, wherein the request is received by an authorization agent, wherein the authorization agent is a bank that issued the credit card to the authorized entity, a credit card company, or an agent of the bank or the credit card company, and wherein the request includes a credit card number; and

comparing the latest Internet address with the corresponding Internet address from the Online business:

if the Internet addresses match, then sending from the authorization agent to the Online business an approval response to the request;

if the Internet addresses do not match, then sending from the authorization agent to the Online business a non-approval response to the request.

40. A method according to claim 39, further including:

monitoring whether the authorized entity is still log onto the Internet:

if the authorized entity has logged off the Internet, then not approving any request for authorizing the transaction.

41. A method for verifying that an authorized entity is using a credit card through the Internet, comprising:

entering a password that is only known to an authorized entity that can use a corresponding credit card;

providing a predetermined purchase order information about a transaction through the Internet;

receiving a request to authorize a transaction from an Online business with an actual purchase order information, wherein the request is received by an authorization agent, wherein the authorization agent is a bank that issued the credit card to the authorized entity, a credit card company, or an agent of the bank or the credit card company, and wherein the request includes a credit card number; and

comparing the predetermined purchase order information with the actual purchase order information from the Online business:

if the predetermined purchase order information and the actual purchase order information match, then sending from the authorization agent to the Online business an approval response to the request;

if the predetermined purchase order information and the actual purchase order information do not match, then sending from the authorization agent to the Online business a non-approval response to the request.

42. A method for authorizing use of a card by a non-user of the card, comprising:

providing a card to a user, wherein the card is linked to a non-user of the card;

using the card to conduct a transaction; and

sending electronically an authorization request from an authorization agent to the non-user of the card, wherein the authorization agent is a bank that issued the card to the non-user, a credit card company, or an agent of the bank or the credit card company, wherein:

approving the transaction by the authorization agent if the non-user agrees with the transaction made by the user; and

denying the transaction by the authorization agent if the non-user does not agree with the transaction made by the user.

43. A method according to claim 42, wherein the card is linked electronically to the non-user.
44. A method according to claim 42, the card is linked to an IP address of the non-user.
45. A method according to claim 42, wherein the non-user is an owner of the card.
46. A method according to claim 42, wherein the card is a credit card.
47. A method according to claim 42, wherein the card is an electronic wallet.
48. A method according to claim 42, wherein the card is a check having a bar code, wherein the bar code is used to link the check to the non-user.
49. (Withdrawn) A method according to claim 42, wherein the card is a check having a magnetic strip, wherein the magnetic strip is used to link the check to the non-user.
50. (Withdrawn) A method according to claim 42, wherein the card is a check having a DIGIMARC, wherein the DIGIMARC is used to link the check to the non-user.
51. A method according to claim 42, wherein the user is an employee, and the non-user is an employer.
52. A method according to claim 42, wherein the card can be only used for a predetermined purpose, wherein if the transaction is not within the predetermined purpose, then the non-user

does not approve of the transaction.

53. A method according to claim 42, further comprising:
providing an authorization agent to link the card to the non-user; and
registering the link before the card is issued to the user, wherein the user does not know the link between the authorization agent and the card.
54. A method according to claim 53, further comprising:
registering a link between the authorization agent and the user; and
sending a notice to the user using the link by the authorization agent whether the user is using the card to conduct the transaction, wherein:
sending the authorization request to the non-user, if the user is using the card to conduct the transaction; and
denying the transaction, if the user is not using the card to conduct the transaction.
55. A method according to claim 42, wherein the transaction is conducted with an online merchant linked to the Internet.
56. A method for parties to authenticate a transaction, comprising:
acquiring a corresponding contact information for each parties involved in a transaction;
providing an authorization agent to acquire the corresponding contact information,
wherein the authorization agent is a bank, a credit card company, or an agent of the bank or the credit card company; and
sending electronically an authorization request from the authorization agent to the corresponding contact information for each of the parties involved in the transaction, wherein:
approving the transaction if all of the parties to the transaction approve of the authorization request; and
disapproving the transaction if any of the parties to the transaction disapprove of

the authorization request.

57. A method according to claim 56, wherein the corresponding contact information is an IP address.

58-62 (Cancelled)

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(ix) EVIDENCE APPENDIX

None.

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(x) RELATED PROCEEDINGS APPENDIX

None.